

Serial No.: 10/672,439

Attorney Docket No.: 03P08209US

**REMARKS**

Upon entry of the instant Amendment, Claims 1-19 are pending. Claims 1, 7, 12, and 17 have been amended to more particularly point out Applicants' invention. Claims 1, 5, 6, 7, 11, 12, 15, 16, 17 and 18 have been amended to overcome the Section 112 rejections.

Claims 1-19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In particular, the term "predetermined range" was indicated to be unclear. The claims have been amended to recite "predetermined location." As such, the Examiner is respectfully requested to reconsider and withdraw the rejections.

Claims 1-4 and 6-19 were rejected under 35 U.S.C. §102(b) as being anticipated by Elliott, U.S. Patent No. 6,243,039 ("Elliott"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Elliott.

As discussed in the Specification, aspects of the present invention relate to a system and method for third-party location monitoring. A remote device may be affixed, for example to a person, and set to trigger an alarm if it departs from a predetermined location. In addition, the device and its corresponding location may be associated with one or more presence and availability rules that may define, for example, how the user associated with the device may be contacted, if necessary. For example, in one location, the user may be available via a cell phone; at another location, the user may be available through text messaging. Thus, the claims have been amended to recite "wherein said administration device is configured to maintain one or more availability rules associated with a user of said telecommunications device based on whether it is determined to be in the predetermined location."

In contrast, Elliott provides a system for monitoring the location of a child. An automatic update of the current location can be triggered,. While delivery of the

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location information may be provided by various media, Elliott does not appear to have anything to do with, for example, presence and availability rules associated with the user. That is, Elliott does not appear to define rules for contacting a user that are associated with the user's location, as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejections.

Claims 1-19 were rejected under 35 U.S.C. §102(e) as being anticipated by Teckchandani et al., U.S. Patent Application No. 2003/0151501 ("Teckchandani"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Teckchandani. As noted above, the claims have been amended to recite "wherein said administration device is configured to maintain one or more availability rules associated with a user of said telecommunications device based on whether it is determined to be in the predetermined location."

Like Elliot, Teckchandani does not appear to have anything to do with defining availability rules associated with a user's location, as generally recited in the claims at issue. Teckchandani relates, for example, to a vehicle monitoring system that can activate an alarm, for example, if the vehicle is stolen and removed from a particular area. While the user can enable remotely controlled features of the vehicle, the user does not appear to be able to set one or more availability rules based on the vehicle's location. As such, the Examiner is respectfully requested to reconsider and withdraw the rejections.

Claims 1-4, 7-10, and 12-15 were rejected under 35 U.S.C. §102(b) as being anticipated by Hoffman et al., U.S. Patent No. 5,742,233 ("Hoffman"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Hoffman.

Hoffman provides a "personal security and tracking system." A portable signaling unit is provided, whose position relative a remote alarm switch can be

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monitored. If the unit is removed from the proximity of the remote alarm switch, an alarm can be triggered. The alarm can also be triggered in response to manual activation. However, like the references discussed above, Hoffman does not appear to provide, e.g., an administration device "configured to maintain one or more availability rules associated with a user of said telecommunications device based on whether it is determined to be in the predetermined location." While Hoffman provides for two-way "digital contact," the contact does not define user availability and, in any case, is not based on the location of the device; regardless of whether the alarm has sounded, or its location, the user would still be available using that feature. As such, the Examiner is respectfully requested to reconsider and withdraw the rejections.

Claims 1-19 were rejected under 35 U.S.C. §102(b) as being anticipated by Janky et al., U.S. Patent No. 5751245 ("Janky"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Janky.

Janky relates to a "vehicle route and schedule exception reporting system. In general, an alarm is sounded when the vehicle is detected as having deviated from a predetermined route. Nevertheless, like the above-discussed references, Janky does not appear to relate, *inter alia*, to an administration device "configured to maintain one or more availability rules associated with a user of said telecommunications device based on whether it is determined to be in the predetermined location." While communication with the device is possible, Janky nowhere provides availability rules, as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

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For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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